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BEFORE THE ARIZONA CORPORATION COMMISSION

25H

COMMISSIONERS

2005 SEP 21 P 2:09

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
ANTELOPE LAKES WATER COMPANY, INC. ,  
AN ARIZONA CORPORATION, FOR AN  
EXTENSION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
WATER SERVICE TO VARIOUS PARTS OF  
YAVAPAI COUNTY, ARIZONA.

DOCKET NO. W-02740A-05-0089

PROCEDURAL ORDER

**BY THE COMMISSION:**

On February 11, 2005, Antelope Lakes Water Company, Inc. ("Company" or "Applicant"), filed an application for an extension of its Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water utility service to various parts of Yavapai County, Arizona.

On March 10, 2005, pursuant to A.A.C. R14-2-411, the Commission's Utilities Division ("Staff") issued a notice of insufficiency.

On August 3, 2005, pursuant to A.A.C. R14-2-411, Staff issued a letter of sufficiency.

On August 8, 2005, by Procedural Order, the Company was ordered to provide notice of the proceeding by September 2, 2005, Staff was ordered to file its Staff Report by September 15, 2005, and a hearing was scheduled for October 5, 2005.

On September 8, 2005, Staff filed its report.

On September 14, 2005, the Company filed a Motion to Vacate ("Motion") the hearing. The Company requested the hearing be vacated because it had failed to provide public notice pursuant to the Commission's Procedural Order. The Company also agreed to the waiver of the time-frame rule, A.A.C. R14-2-411. Staff does not oppose the Company's Motion.

Accordingly, the Company's Motion should be granted and the hearing vacated. The time-frame rule, A.A.C. R14-2-411, should also be suspended

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing scheduled for October 5, 2005, shall be vacated.

IT IS FURTHER ORDERED that a **hearing** shall commence on **November 15, 2005 at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits to be presented at hearing by Applicant shall be reduced to writing and filed on or before 4:00 p.m. on September 30, 2005.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before November 1, 2005.

IT IS FURTHER ORDERED that Applicant shall provide public notice of the hearing in this matter, in the following form and style:

**PUBLIC NOTICE OF THE HEARING FOR**  
**ANTELOPE LAKES WATER COMPANY, INC. FOR AN EXTENSION OF ITS**  
**CERTIFICATE OF CONVENIENCE AND NECESSITY**  
**(W-02740A-05-0089)**

On February 11, 2005, Antelope Lakes Water Company, Inc. ("Applicant") filed an application for an extension of its CC&N to various parts of Yavapai County, Arizona.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona and at the Applicant's office, [insert office address].

The Commission will hold a hearing on this matter commencing on **November 15, 2005, at 9:30 a.m.** at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.

- 1           2.     A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
2                 a customer of Applicant, a shareholder of Applicant, a competitor, etc.).
- 3           3.     A statement certifying that a copy of the motion to intervene has been mailed  
4                 to the Company or its counsel and to all parties of record in the case.

5     The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
6     that all motions to intervene must be filed on or before November 1, 2005. The  
7     granting of intervention, among other things, entitles a party to present sworn  
8     evidence at hearing and to cross-examine other witnesses. However, failure to  
9     intervene will not preclude any customer from appearing at the hearing and making a  
10    statement on such customer's own behalf.

11    If you have any questions or concerns about this application or have any objections  
12    to its approval, or wish to make a statement in support of it, you may write the  
13    Consumer Services Section of the Commission at 1200 West Washington Street,  
14    Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make  
15    comment.

16    The Commission does not discriminate on the basis of disability in admission to its  
17    public meetings. Persons with a disability may request a reasonable accommodation  
18    such as a sign language interpreter, as well as request this document in an alternative  
19    format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-  
20    3931, E-mail [lhogan@azcc.gov](mailto:lhogan@azcc.gov). Requests should be made as early as possible to  
21    allow time to arrange the accommodation.

22    IT IS FURTHER ORDERED that Applicant shall cause the above notice to be published at  
23    least once in a newspaper of general circulation in its service territory, with publication to be  
24    completed no later than October 14, 2005.

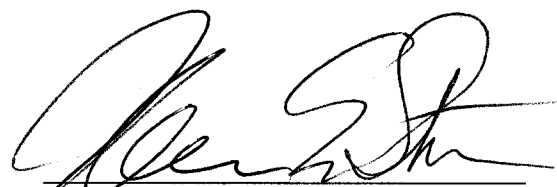
25    IT IS FURTHER ORDERED that Applicant shall file certification of publication as soon as  
26    practicable after the publication has been completed.

27    IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,  
28    notwithstanding the failure of an individual customer to read or receive the notice.

IT IS FURTHER ORDERED that the time-frame rule, A.A.C. R14-2-411, shall be suspended.

IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
ruling at hearing.

DATED this 21<sup>st</sup> day of September, 2005



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered  
2 this 21 day of September, 2005 to:

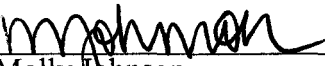
3 Paul D. Levie  
4 Antelope Lakes Water Company, Inc.  
5 P.O. Box 350  
Chino Valley, AZ 86323

6 Christopher Kempley, Chief Counsel  
7 Legal Division  
8 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

9 Ernest Johnson, Director  
10 Utilities Division  
11 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

12 ARIZONA REPORTING SERVICE, INC.  
13 2627 N. Third Street, Suite Three  
Phoenix, Arizona 85004-1104

14 By:

15   
16 Molly Johnson  
17 Secretary to Marc Stern  
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19  
20  
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23  
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